



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/727,149

12/02/2003

David K. Swanson

03-0078 (US01)

5299

23410 7590 07/28/2008
Vista IP Law Group LLP
2040 MAIN STREET, 9TH FLOOR
IRVINE, CA 92614

EXAMINER

PEFFLEY, MICHAEL F

ART UNIT

PAPER NUMBER

3739

MAIL DATE

DELIVERY MODE

07/28/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Non-Compliant Amendment

It is noted that applicant has mistakenly filed an amendment from a different file into the instant application on October 15, 2007. This amendment resulted in an improper Restriction Requirement being mailed by the Office on December 27, 2007. The Restriction Requirement of December 27, 2007 is hereby vacated.

Applicant has attempted to solve the confusion with the pending claims by submitting a newly filed set of claims on March 11, 2008. However, this new set of claims has canceled claims 1-28 and added new claims 29-62. This would constitute an improper numbering of the claims since claims 1 through 50 were previously pending in the application (i.e. prior to the improper amendment of October 15, 2007). Applicant is therefore requested to provide an additional amendment that cancels claims 1-50 and adds new claims beginning with Claim 51. Such an amendment will account for all previously pending claims, and would also supersede the improper claims filed with the October 15, 2007 communication.

The reply filed on March 11, 2008 is not fully responsive to the prior Office Action because of the reasons asserted above. See 37 CFR 1.111. Since the above-mentioned reply appears to be *bona fide*, applicant is given **ONE (1) MONTH or THIRTY (30) DAYS** from the mailing date of this notice, whichever is longer, within which to supply the omission or correction in order to avoid abandonment. EXTENSIONS OF THIS TIME PERIOD MAY BE GRANTED UNDER 37 CFR 1.136(a).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Peffley whose telephone number is (571) 272-4770. The examiner can normally be reached on Mon-Fri from 7am-4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Linda Dvorak can be reached on (571) 272-4764. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Peffley/
Primary Examiner, Art Unit 3739

/mp/
July 23, 2008